


AO 91 (Rev. 08/09) Criminal Complaint

CLERK U.S. DISTRICT COURT
NORTHERN DIST. OF TEX.
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UNITED STATES DISTRICT COURT 2020 JUN 25 AM 10:44

for the

Northern District of Texas

DEPUTY CLERK 

United States of America

v.

Jessica Wheeler (1)
Edward Wheeler (2)

Case No.

Defendant(s)


5 - 20MJ - 0066**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of Jan. 19, 2020, to June 18, 2020 in the county of Lubbock in theNorthern District of Texas, the defendant(s) violated:*Code Section*
18 U.S.C. Section 2252A(a)(2)(A)*Offense Description*
Receipt and Distribution of Child Pornography

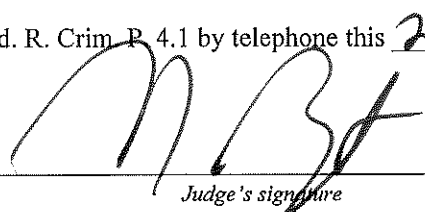
This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.
Complainant's signature

John Bentley, FBI Task Force Officer

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone this 25th day of June 2020.Date: 6/25/20
Judge's signatureCity and state: Lubbock, Texas

D. Gordon Bryant, Jr., U.S. Magistrate Judge

Printed name and title

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AFFIDAVIT IN SUPPORT OF COMPLAINT

My name is Detective John Bentley and I am commissioned as a peace officer by LPD (LPD), Lubbock, Texas. I have been employed by LPD since October 1992. I presently hold a Master Peace Officer License through the Texas Commission on Law Enforcement (TCOLE). I have been assigned as an investigator in the Juvenile Crimes Section of LPD since February 2006. I have been assigned to LPD Internet Crimes Against Children (ICAC) Task Force since February 2011. I am currently assigned as a Task Force Officer (TFO) to the Lubbock Resident office of the Federal Bureau of Investigation (FBI) in Lubbock, Texas. As an FBI TFO, I am authorized to investigate crimes involving the sexual exploitation of children

Title 18, United States Code, Sections 2252A(a)(2)(A) and 2, make it a federal offense to knowingly receive or distribute any child pornography that has been mailed, or using any means or facility of interstate or foreign commerce, or shipped or transported in or affecting interstate or foreign commerce by any means, including by computer, or to aid or abet a person to do so. The 5th Circuit Pattern Jury Instruction provide the following elements for 18 U.S.C. § 2252A(a)(2)(A): (1) That the defendant knowingly received or distributed an item of child pornography, as alleged in the indictment; (2) That the item of child pornography had been shipped or transported in or affecting interstate or foreign commerce by any means, including by computer; and (3) That when the defendant received or distributed the item, the defendant knew the item was or contained child pornography.

Messages sent via Facebook are sent in interstate or foreign commerce because transmitting messages by means of the Internet is tantamount to moving messages across state lines and thus constitutes transportation in interstate commerce. *Cf. United States v. Runyan*, 290 F.3d 223, 239 (5th Cir. 2002) (holding that use of Internet, in and of itself, constitutes interstate transportation sufficient to satisfy the interstate commerce element of 18 U.S.C. § 2251).

I am the case agent on a receipt/distribution of child pornography case in which Jessica Wheeler and Edward Wheeler are the subjects. The information contained in this affidavit is based upon my personal experience and information relayed to me by other law enforcement officers involved in this investigation. Because this affidavit is submitted for the limited purpose of establishing probable cause to believe a crime has been committed and that the defendant committed it, I have not included each and every fact known to me in this affidavit.

1. On June 16, 2020, TFO John Bentley was notified of a case involving child pornography images of a 13-year-old female (whose identity is known to TFO Bentley and hereafter “Jane Doe”) being sent via Facebook messenger from Jessica Wheeler to Edward Wheeler. Jessica and Edward are married. Jessica lives in Lubbock, Texas, and Edward lives in Russell Springs, Kentucky.

2. One of Jane Doe’s relatives stated that he had logged on to Jessica Wheeler’s Facebook account and went through her messages on June 14, 2020. The relative eventually began review messages exchanged between Jessica and Edward. The

relative discovered sexually explicit images of Doe had been sent from Jessica to Edward through Facebook messenger. In addition to the images, the relative also saw several messages between Jessica and Edward discussing Doe taking a sexual enhancement drug and sexual acts that needed to be performed on Doe, including that she would need to have sex with Edward.

3. The relative notified law enforcement immediately and screen captures of the Facebook messages were taken by Detective Clark in Havelock, North Carolina, and sent to TFO Bentley in Lubbock, Texas.

4. Because of the way Facebook messenger works, some of the messages have dates in the line above the message and some do not. The date ranges of the messages described below are between January 19, 2020 and June 18, 2020. There is a message that is between the dates of January 19, 2020, and June 18, 2020 from Edward's Facebook account that is a specific request for pictures of Doe's "vagina with lips open and of her buttohole". Later, images of Doe meeting that description, as well as others, are sent from Jessica to Edward.

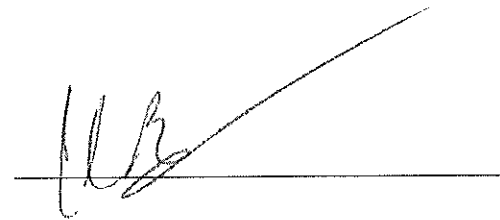
5. TFO John Bentley reviewed the 45 nude images of Doe obtained and provided by Detective Clark. Doe is photographed standing up with her breast, anus, and genitals showing. Another image was a close up photograph of Doe's vulva. This image meets the federal definition of child pornography under 18 U.S.C. § 2256(8). This image was sent from Jessica's Facebook Messenger account to Edward's Facebook Messenger account.

6. On June 18, 2020, TFO Bentley interviewed Jessica. Jessica admitted using Facebook messenger on her cell phone but did not admit to anything else. Jessica was communicating with Edward throughout the initial part of the interview before TFO Bentley asked her to leave her phone outside the interview room. TFO Bentley collected Jessica's cell phone and obtained a search warrant for that phone. A search revealed that Jessica used Facebook messenger to communicate frequently with Edward. TFO Bentley reviewed the contents of the Facebook messages on J. Wheeler's phone between J. Wheeler and E. Wheeler. TFO Bentley was able to find the messages described by the family member and match the screenshots sent from North Carolina to the messages on the phone. TFO Bentley was not able to view the images of the 13-year-old on the cell phone as they had either been deleted or were not loading because the phone was in airplane mode. TFO Bentley was able to see the places in the messages where those pictures should have appeared. TFO Bentley issued preservation requests to Facebook for the accounts of J. Wheeler and E. Wheeler and is in the process of obtaining search warrants for the contents of those Facebook accounts.

7. On June 19, 2020, FBI agents in Kentucky met with and interviewed Edward in Russell Springs, Kentucky. Edward admitted the Facebook account in question (edward.wheeler.144," ID: 844572476009263) was his and he was the only person that used that account. Edward was also very concerned about being arrested and continuously asked the agents if they were going to arrest him right there.

8. During the interview, E. Wheeler informed the agents that J. Wheeler left Lubbock the prior night and was driving to Russell Springs to pick E. Wheeler up and return with him to Lubbock. On Sunday, June 21, 2020, E. Wheeler called an ambulance after attempting suicide by cutting his wrists the previous evening. E. Wheeler had written letters addressed to several family members including Doe. E. Wheeler informed officers that when J. Wheeler arrived, he sent her back to Texas without him. FBI agents in Kentucky secured a search warrant for the sealed letters written by E. Wheeler. One letter, addressed to Doe, said "I hope you get this letter; but I want you to know I am sorry. Forgive me if you can, but if not I understand. I never meant to hurt you." Another letter addressed to E. Wheeler's mother and step-father included the line: "Please tell the boys I love them every day and never tell them the truth."

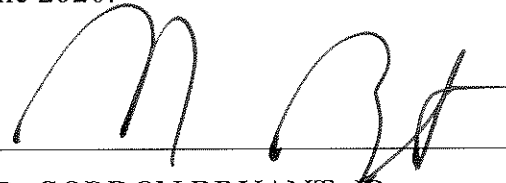
For the reasons described above, I respectfully request an arrest warrant be issued for the arrest of Jessica Wheeler and Edward Wheeler for violating Title 18, United States Code, Section 2252A(a)(2)(A), and Title 18, United States Code Section 2.

A handwritten signature in black ink, appearing to read "JB", is written over a horizontal line.

John Bentley
Task Force Officer
Federal Bureau of Investigation
Lubbock, Texas

Pursuant to Federal Rules of Criminal Procedure 4.1 and 41 (d)(3), the undersigned judicial officer has on this date considered the information communicated by reliable electronic means in considering whether a complaint, warrant, or summons will issue. In doing so, I have placed the affiant under oath, and the affiant has confirmed that the signatures on the complaint, warrant, or summons and affidavit are those of the affiant, that the document received by me is a correct and complete copy of the document submitted by the affiant, and that the information contained in the complaint, warrant, or summons and affidavit is true and correct to the best of the affiant's knowledge.

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone this 25th day of June 2020.



D. GORDON BRYANT JR.
UNITED STATES MAGISTRATE JUDGE